

Group I: Claims 144-155, drawn to a container for use in preparing a dialysis solution.

Group II: Claim 156, drawn to a container for priming powdered glucose.

Group III: Claims 157-183, drawn to a container for use in dialysis.

Group IV: Claims 184-206, 242-265, 268-270, drawn to an apparatus for the production of dialysis fluid.

Group V: Claims 207, 241, 266, 271-276, drawn to a method of dialysis treatment.

Group VI: Claims 214-236, drawn to a method and apparatus for providing an aqueous solution.

Group VII: Claims 237-240, drawn to a method of preparation of dialysis fluid.

Group VIII: Claims 267, 277-279, drawn to a dialysis system.

In requiring a restriction between the inventions of Groups I-VIII, the Examiner asserts that the inventions are distinct. In particular, the Examiner states that inventions in groups V, VI and VII are related as process and apparatus for its practice. The Examiner then concludes that the inventions are distinct because "the processes may be performed by other bags and dialysis apparati," and that "the apparati may be used to mix other fluids and provide treatment fluid other than dialysis solution to the patient." Applicants respectfully submit that the Examiner has not made the case that the inventions are distinct. Indeed, the Examiner has not given any evidence of "other bags or dialysis apparati," or "other fluids" that could be used with the apparati. Thus, Applicants respectfully traverse the Examiner's statement that "restriction for examination purposes as indicated is proper."

In view of the foregoing, Applicants respectfully submit that Groups I, III, IV, V, VI and VII can be combined, as they all include claims drawn to a container comprising a

plurality of chambers and a corresponding plurality of concentrates. Accordingly, Applicants urge that the Examiner withdraw the restriction requirement. Further in this regard, Applicants respectfully request that the Examiner examine all the claims included in Groups I and III-VII as the species are not patentably distinct. Applicants also respectfully submit that these claims are in condition for allowance. As such, early and favorable action is earnestly requested.

Applicants also reserve the right to file divisional applications to any claim presently pending and which is not examined in the present application.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: September 16, 2004

Respectfully submitted,

By Samantha Kamerer  
Samantha M. Kamerer  
Registration No.: 50,631  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090

(908) 654-5000  
Attorney for Applicant

LD-469\  
514908\_1